

Municipal Ordinances

1. What is a municipal ordinance?

The Municipal Courts have jurisdiction over cases involving violations of local ordinances. Throughout New Jersey these local ordinances cover a wide range of local topics and concerns. Although violations of municipal ordinances are not normally associated with criminal conduct, the burden on the State to obtain a conviction is still based upon proof beyond a reasonable doubt.

A municipal ordinance is the lowest degree of quasi criminal offense that exists in New Jersey. A municipal ordinance can range anywhere from urinating in public, drinking in public, having an open container, or just to disorderly conduct. A guilty plea to a municipal ordinance in most cases only results in the payment of a fine and no jail time. The most important aspect of a municipal ordinance is that it won't give a person a criminal record. The best strategy to defend against any DP offense is to try to convince the prosecutor to reduce it to a municipal ordinance violation. The fines will still be the same. However, a person will not have to deal with the endless aggravation of having a criminal record.

2. What are the possible penalties for a municipal ordinance violation?

The maximum fine for a municipal ordinance violation is \$2,000. In my experience the average fine imposed imposed for an ordinance violation is between \$500 and \$1000. I have never seen a court impose a jail term for a municipal ordinance violation. However, quite often the Municipal Courts really impose some outrageous fines for municipal ordinance violations.

3. What is the most common type of ordinance violation that is charged in the Municipal Court?

Without a doubt the most commonly charged municipal ordinance violation is for underage drinking. The New Jersey legislature has given the towns the legal authority to enact ordinances that will prohibit the consumption of alcoholic beverages by underage teens. The typical fine for an underage ordinance violation for underage drinking is a fine of \$250. See, N.J.S.A., 40-48-1.2. Court costs for \$33 may also be imposed. Finally, the court can also suspend the teen's driver's license as well. The license suspension must be for a period of six months.

4. Can a municipal ordinance conviction be expunged?

Yes, a municipal ordinance conviction can be expunged. However, there are several requirements;

- a. You must not have a criminal record.
- b. You have not been convicted of more than two disorderly persons or petty disorderly persons offenses.
- c. Two years have passed since the disposition of the municipal ordinance violation.